

**MINUTES OF THE REGULAR MEETING OF THE
COMMON COUNCIL OF THE CITY OF JASPER, INDIANA
SEPTEMBER 21, 2005**

A meeting of the Common Council of the City of Jasper, Indiana, was held on Wednesday September 21, 2005, in the Council Chambers of City Hall, 610 Main Street, Jasper, Indiana.

Call to Order.

Presiding Officer Mayor William J. Schmitt called the meeting to order at 7:00 p.m.

Roll Call.

Mayor William J. Schmitt	Present
Councilmembers	
John Schroeder	Present
Bradley Seger	Present
Thomas Schmidt	Present
Ambrose 'Butch' Schitter	Present
Renee Kabrick	Present
Randall Buchta	Present
Raymond Howard	Present
City Attorney Sandra Hemmerlein	Present
Clerk-Treasurer Juanita S. Boehm	Present

Clerk-Treasurer Juanita Boehm announced that in order to have a quorum for the meeting, a majority of the members of the legislative body must be in attendance. All seven members were in attendance; therefore, there was a quorum for the meeting.

Approval of the Minutes

The following minutes were distributed to and examined by the Council:

1. August 17, 2005 regular monthly common council meeting.
2. August 17, 2005 6:15 p.m. public hearing regarding the petition of Paul E. Schmitt and Patricia E. Kiefer, Co-Personal Representatives of the Estate of Othmar W. Schmitt, and Kerstiens Corporation, Inc., to rezone the tract of land located on the Northeast and Northwest corners of the intersection of County Road 400 N and Portersville Road from R-R (Rural Residential) to PUD Planned Unit Development (Residential).
3. August 17, 2005 6:25 p.m. public hearing regarding the petition of Tiffany Realty & Management Company, Inc. and Greater Jasper Consolidated Schools to rezone land located at 340 West 6th Street (former Jasper Middle School) from R-3 (Residential) to R-4 (Residential)
4. August 17, 2005 6:40 p.m. public hearing regarding the petition of Hogan Development Co. and joined by J & M Thyen Investors, L.P. to rezone land located north of 36th Street and west of Villa Drive from R-2 (Residential) to B-1 (Business District)
5. August 17, 2005 6:50 p.m. public hearing regarding Ordinance No.

2005-19 that changes the billing power factor adjustment from 90% to 100%.

A **motion** was made by Councilmember Ambrose Schitter and seconded by Councilmember Renee Kabrick to approve the minutes as presented. Motion carried 7-0.

Boy Scout. Boy Scout Patrick Uebelhor from Troop 185 attended the meeting to meet requirements for a “Citizenship in the Community” merit badge.

Rezoning Proposal/Ordinance No. 2005-32. Mayor Schmitt sought consideration of Kimball International Inc.’s proposal to rezone 4.63 acres located west of Dispatch Road from I-1 (Light Industrial) to I-B (Industrial and Business)

Thereafter, a **motion** was made by Councilmember Bradley Seger and seconded by Councilmember John Schroeder to accept the proposal to rezone 4.63 acres located west of Dispatch Road from I-1 (Light Industrial) to I-B (Industrial and Business) and adopt the rezoning ordinance for such property. Motion carried 7-0.

Mayor Schmitt stated that the ordinance would be referenced Ordinance No. 2005-32.

Utility Service Board. Utility Service Board Chairman Greg Krodel presented a report of the regular monthly meeting held on September 19, 2005. Copies of the minutes are supplied to each council member.

Jasper Arts Center. Arts Director Darla Blazey and Mike Jones, vice-president of Jasper Community Arts Commission were present. Blazey reported that the Arts Commission had discussed a possible nonreverting fund regarding donations to allow for future building and expansion needs of the Jasper Arts Center. She informed the Council that the City Attorney is drafting such an ordinance and at the next JCAC meeting, the board members will make a recommendation concerning the ordinance to the Council. Thus, the ordinance to establish a nonreverting fund should be available for consideration at the October Council meeting. Mr. Jones said that the goal was to set money aside for long-term building needs.

Smoke-free building Issue. Mayor Schmitt asked the Council for their views on the Smoke-free Building Forum that was held on August 29, 2005. Councilmember Renee Kabrick stated that she had received enough feedback in the way of phone calls, e-mails and correspondence to warrant an attempt at writing some sort of smoke-free building ordinance. City Attorney Sandra Hemmerlein stated that she had some sample ordinances and asked the council for direction. Councilmember Renee Kabrick suggested starting with a comprehensive ordinance, such as the Bloomington ordinance which bans smoking in all public places.

Rezoning Proposal/Ordinance No. 2005-20.

A motion was made by Councilmember Bradley Seger and seconded by Councilmember Thomas Schmidt to table the consideration of the proposal of

Paul E. Schmitt, Patricia E. Kiefer, Jerome H. Kerstiens and Doris A. Kerstiens to rezone 40 acres located at the northeast and northwest corners of the intersection of County Road 400 North and Portersville Road from R-R (Rural Residential) to PUD Planned Urban Development (Residential) as per the request of said petitioners. Motion passed 7-0.

Ordinance No. 2005-33 AN ORDINANCE AMENDING ORDINANCE NO. 1999-35, ENTITLED ‘AN ORDINANCE AUTHORIZING PAYMENT OF SPECIFIED EXPENSES PRIOR TO ALLOWANCE OF THE CLAIM BY BOARDS OF THE CITY’.

Ordinance No. 2005-33 adds additional expenses to the list such as return of rental damage and cleaning deposits.

Upon motion by Councilmember Ambrose Schitter, seconded by Councilmember Raymond Howard, and unanimously approved, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Randall Buchta, seconded by Councilmember Renee Kabrick, and unanimously approved, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Thomas Schmidt, seconded by Councilmember Renee Kabrick, and unanimously approved, it was moved to pass and adopt Ordinance No. 2005-33. During discussion, City Attorney Hemmerlein explained that the recommendation came from the State Board of Accounts. Clerk-Treasurer Boehm stated that the ordinance would mean that the public would not have to wait so long for the return of their deposits.

Ordinance No. 2005-34 AN ORDINANCE ESTABLISHING THE CITY OF JASPER’S UNSAFE BUILDING LAW.

Ordinance No. 2005-34 adopts State law for the City’s Unsafe Building Law.

Upon motion by Councilmember Renee Kabrick, seconded by Councilmember Ambrose Schitter and unanimously approved, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Renee Kabrick, seconded by Councilmember Thomas Schmidt and unanimously approved, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Renee Kabrick, seconded by Councilmember Randall Buchta, it was moved to pass and adopt Ordinance No. 2005-34. The measure passed 7-0. During discussion, City Attorney Sandra Hemmerlein reported that the recommendation had come from the Board of Public Works and Safety meeting of September 13, 2005.

Ordinance No. 2005-35 AN ORDINANCE AMENDING ORDINANCE NO. 2002-54 ENTITLED ‘AN ORDINANCE ESTABLISHING FEES FOR ACTIVITIES OF THE JASPER DEPARTMENT OF PARKS AND RECREATION’.

Ordinance No. 2005-35 changes the rental fee schedule for Camp Carnes and the Habig Center Community Room.

Upon motion by Councilmember Renee Kabrick, seconded by Councilmember Ambrose Schitter and unanimously approved, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Renee Kabrick, seconded by Councilmember Thomas Schmidt and unanimously approved, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Bradley Seger, seconded by Councilmember Ambrose Schitter, it was moved to pass and adopt Ordinance No. 2005-35. The measure passed 7-0. During discussion, City Attorney Sandra Hemmerlein stated that the recommendation came from the Park and Recreation Board. She said the rental for Camp Carnes would increase from \$25.00 to \$50.00 plus include a \$25 security deposit in case of cancellation and the rental for the Habig Center Community Room would increase from \$75.00 to \$125.00 and there would be a \$50.00 security deposit in case of cancellation.

Outside Furnace Units. Councilmember Ambrose Schitter requested the City Attorney check to see if other communities had ordinances concerning outside furnace units. Schitter was concerned that people were buying these units and that these units could increase air pollution because the chimneys were so close to the ground.

Web Page. Councilmember Raymond Howard reported that the City's web page had received 80,000 hits during the month of August. He said this was an increase of 20,000 per month from the previous 90 days.

Adjournment

There being no further business to come before the board, a **motion** was made by Councilmember Randall Buchta and seconded by Councilmember Thomas Schmidt to adjourn the meeting. The motion carried unanimously and the meeting adjourned at 8:03 p.m.

**William J. Schmitt, Mayor
Presiding Officer**

ATTEST:

Juanita S. Boehm, Clerk-Treasurer

Cynthia Kluemper, Recording Secretary